

AO 91 (Rev. 02/09) Criminal Complaint

# United States District Court

for the

Western District of New York

United States of America

v.

ANN SPINOSA,*Defendant*

Case No. 24-MJ-4055

## CRIMINAL COMPLAINT

I, MARK CARPENTER, Special Agent with the Internal Revenue Service, the complainant in this case, state that the following is true to the best of my knowledge and belief: That between approximately May 15, 2020 and October 09, 2020, in the Western District of New York and elsewhere, the defendant, ANN SPINOSA:

Willingly and unlawfully committed the offenses of Title 18, United States Code, Sections 1343 (Wire Fraud), 1344 (Bank Fraud), 1349 (Conspiracy), 1957 (Money Laundering) and 1956(h) (Conspiracy to Commit Money Laundering).

This Criminal Complaint is based on these facts:

**SEE ATTACHED AFFIDAVIT OF IRS SPECIAL AGENT MARK CARPENTER**

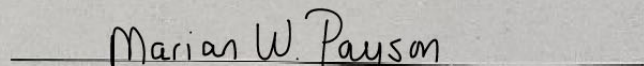
☒ Continued on the attached sheet.

  
*Complainant's signature*

MARK CARPENTER, Special Agent, IRS-CI  
*Printed name and title*

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: March 25, 2024

  
*Judge's signature*

City and State: Rochester, New York

MARIAN W. PAYSON  
UNITED STATES MAGISTRATE JUDGE

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

STATE OF NEW YORK     )  
COUNTY OF MONROE    )     SS:  
CITY OF ROCHESTER     )

I, **MARK CARPENTER**, being first duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with Internal Revenue Service Criminal Investigation (IRS-CI) in Rochester, NY, and have been so employed since March, 2008. I received extensive law enforcement training and financial investigation training related to a variety of topics, including search warrants, legal issues, and the law pertaining to Title 26 of the United States Code, and those sections of Titles 18 and 31 for which the IRS has jurisdiction. Prior to my employment as a Special Agent, I was employed in the banking industry for approximately nine years in varying capacities. In my capacity as a Special Agent, I have participated in numerous financial investigations involving violations of tax fraud, bank fraud, wire fraud, money laundering and the structuring of currency. I have participated in numerous search and seizure warrants involving the seizure and forfeiture of assets purchased with proceeds of illegal activities.

2. I make this affidavit in support of an application for a Criminal Complaint charging ANN SPINOSA with violations of Title 18, United States Code, Section 1343 (Wire Fraud); Title 18, United States Code, Section 1344 (Bank Fraud); Title 18, United States Code, Section 1349 (Conspiracy); Title 18, United States Code, Section 1957 (Money Laundering); and Title 18, United States Code, Section 1956(h) (conspiracy to commit money laundering) (hereinafter, collectively the "TARGET OFFENSES").

3. The statements contained in this affidavit are based upon my investigation, interviews conducted by me and other law enforcement officers, documents and records provided by financial institutions and various government agencies, and my experience and training as a Special Agent.

4. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint, I have not included each and every fact known to me and have set forth only the facts that I believe are necessary to establish probable cause to believe that ANN SPINOSA committed the TARGET OFFENSES.

#### **BACKGROUND REGARDING THE CARES ACT**

5. The CARES Act was signed into law on March 27, 2020. The CARES Act provided temporary funding programs to address the COVID-19 outbreak. One of those programs designed to assist business owners during the peak of the pandemic was the Paycheck Protection Program (“PPP”). This is a Small Business Administration (SBA) loan program designed to provide direct incentives for small businesses to keep employees on the payroll. The program provides for loan forgiveness for maintaining or rehiring employees.

6. A second program, that was already in existence, but expanded upon due to the COVID-19 Pandemic is the Economic Injury Disaster Loan (“EIDL”). This program was also run by the SBA and was designed provide funding to existing companies that were experiencing a negative impact in revenue, or economic injury, due to the pandemic.

7. Based on evidence gathered to date ANN SPINOSA (hereinafter referred to as SPINOSA), and others, perpetrated a scheme to fraudulently obtain PPP and EIDL loan proceeds by submitting loan applications and supporting documentation containing false information to a regulated lender, as well as the SBA. In total, SPINOSA, and/or her co-



conspirators, were responsible for submitting two (2) fraudulent PPP applications and thirteen (13) fraudulent EIDL applications in defunct businesses that are owned/controlled by SPINOSA.

#### **BANKRUPTCY HEARING**

8. In the Fall of 2023, SPINOSA filed for Chapter 7 bankruptcy relief in the Western District of New York, Case number 2-23-20488-PRW. As part of this filing, SPINOSA filed many forms, including “Official Form 107 – Statement of Financial Affairs for Individuals Filing for Bankruptcy” (Form 107), which was signed and dated on September 29, 2023.

9. Part 11 of Form 107 section is titled “Give Details About Your Business or Connections to Any Business”. SPINOSA stated that she has a business interest in six (6) businesses; however, none of them are indicated to be active. Five of the six do not list any time frame for “Dates businesses existed”; implying the businesses were organized, but never operational. The only business that displays a timeframe of operation is “Spin Marketing, Inc.,” where she stated this business was operational from “1998-2017”.

10. The full list of businesses listed are as follows:

- *Spin Marketing, Inc.* from 1998-2017
- *Spin Development, Inc.* – no timeframe of operation provided.
- *Political Advertising, Inc.* – no timeframe of operation provided.
- *Reach Hollywood, LLC* – no timeframe of operation provided.
- *Casino Tips for Dummies, Inc.* – no timeframe of operation provided.
- *Gambling Tips for Dummies, Inc.* – no timeframe of operation provided.

11. Another form filed at the same time as Form 107 is “Official Form 106I – Schedule I: Your Income” (Form 106I). As part of this form, SPINOSA checked the box indicating that she is “Not employed.” Additionally, when asked for sources of all income, SPINOSA only listed income received from Social Security.

12. When asked to evidence her income, SPINOSA provided to the court her copy of her Form 1040, U.S. Individual Income Tax Return for the year 2018. The 2018 year was provided as SPINOSA stated that she has not worked or earned any income since that year, and only receives Social Security income; therefore, is not required by law to file a personal income tax return.

13. On March 11, 2024; SPINOSA sent an email to me and several other individuals. The persons included on the email are Tim Karch, officer with the Brighton, New York Police Department; Mark Edward Monaghan, Assistant District Attorney with the Monroe County District Attorney’s Office; and Richard Resnick, Assistant United States Attorney with the U.S. Attorney’s Office for the Western District of New York. This email had an .pdf attachment contained within. The attached document is eight pages in length and on page 5 is a letter dated July 22, 2023 which is addressed to the Small Business Administration. Page 6 of this document is an identical letter; however, it is dated July 31, 2023 and is addressed to the U.S. Department of Justice. This letter includes the following statement:

*“Spin Marketing Inc. has been idle with no sales since 2018. Spin Marketing Inc. did not have an active business checking or saving s account from 2018-2022, and specifically at the time and date in which it states the funding was provided to Spin Marketing. Furthermore, I have been receiving SSD Benefits during the time this loan was funded, please refer to the enclosure and synopsis from my Disability Attorney.”*

14. This letter corroborates statements made to the Bankruptcy Court that Spin Marketing a defunct business and has been so since at least 2018. Furthermore, she clearly states at the time of the funding she was receiving disability benefits from “SSD”; implying Spin Development (or any other of her businesses) were also non-operational during the timeframe of the alleged offenses.

#### **ECONOMIC INJURY DISASTER LOAN**

15. An EIDL loan, application number 3302009045, was submitted to the SBA on April 03, 2020. The loan application is in the business name of SPIN DEVELOPMENT INC with EIN 20-XXX0985. The address of the business listed is 234 PELHAM ROAD, ROCHESTER, NY 14610. This is the primary residence of SPINOSA.

16. The phone number provided on this EIDL application is 585-XXX-8456. This is the phone number that SPINOSA provided in several communications with the bankruptcy court, including Doc 20-6 which was filed on October 19, 2023 in bankruptcy case number 2-23-20488-PRW; as well as Doc 18-1 which was filed on April 06, 2022 from bankruptcy case number 2-22-20090-PRW (a previously filed bankruptcy by SPINOSA). This is important as part of the application process, the SBA will verify your phone number, so providing an accurate phone number that the applicant is reachable on is essential to the application process.

17. The application listed the primary contact person as “Carmella Spinosa” and listed her position as “CEO.” Carmella Spinosa’s address and Social Security number are provided as well. Carmella Spinosa has been identified as the mother of SPINOSA. The email address provided on this application is “ann@spindevelopmentinc.com”

18. The application list the “Gross Revenues for the twelve (12) month prior to the date of the disaster (January 31, 2020)” in the amount of \$340,000. The Cost of Goods Sold (COGS) on the application is listed as \$0.00.

19. The basic calculation used to determine how much a business is eligible for through the EIDL program is  $(\text{Gross Revenue less COGS}) / 2$ ; with a maximum amount available to any one company set at \$150,000<sup>1</sup>. In this case, the formula was  $(\$340,000 - \$0.00) / 2 = \$170,000$ , which is in excess of the maximum of \$150,000, resulting in a loan amount of \$150,000.

20. The application requested that the funds from the EIDL loan be deposited into Azlo Bank account number XXXXXX4962, which is a business checking account in the name of “Spin Development Inc.”<sup>2</sup>

21. The application was electronically submitted to the SBA via an interstate wire transmission from an IP Address identified as 98.10.44.162, which is maintained by Charter Communications. This IP address is associated with and located within the Western District of New York. The SBA servers (destination of the wire transmission) are located outside the state of New York.

22. Charter Communications was subpoenaed during the course of this investigation and responded stating that they do not maintain IP Address records going back to 2020. Since the internet service provider no longer maintained records going back to 2020, we had to use other

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<sup>1</sup> This maximum amount was originally established as part of the CARES Act. On April 06, 2021 the maximum EIDL loan amount per business was increased to \$500,000.

<sup>2</sup> Azlo Bank has since been purchased by PNC Bank and they have ceased operations as Azlo Bank.

means to determine who was using the identified IP Address of 98.10.44.162 during the timeframe in question.

23. The above noted account with Azlo Bank ending in #4962 had numerous charges around the time of the loan application with Door Dash. Once these charges were identified, Door Dash was subsequently subpoenaed and requested to provide information on who was ordering Door Dash, as well as where the food was delivered.

24. Door Dash responded by providing evidence that eight (8) separate charges from this account, ranging in time from May 12, 2020 through August 31, 2020, were all ordered by "ANN SPINOSA" and all deliveries were made to 234 PELHAM ROAD, ROCHESTER, NY 14610. They provided additional information showing that the IP address used for all charges associated with this account prior to August 28, 2022 was IP Address 98.10.44.162; the same IP Address that submitted the above detailed EIDL to the SBA.

25. EIDL application number 3302009045 was finalized as SBA Loan #7211887906, with the executed note being electronically signed via DocuSign on June 17, 2020.

26. DocuSign was subpoenaed during the course of this investigation, and they verified that the signer of the loan on June 17, 2020, was using IP Address 98.10.44.162.

27. On June 18, 2020, the amount of \$149,900 (\$150,000 less a \$100 processing fee) was deposited into Azlo Bank account ending in #4962. Prior to this deposit, this bank account had a balance of \$29,121.51, most of which were funds from a PPP loan (detailed below).

28. On the same day as the EIDL funds were deposited, June 18, 2020, there were several notable large payments/transfers made. The transactions are:



- “Payment to Ann Spinosa – 0522” in the amount of \$90,000<sup>3</sup>
- “Payment to Ann Spinosa – 0522” in the amount of \$20,000<sup>4</sup>
- “Payment to: ANN SPINOSA Card \*\*\*\*9256” in the amount of \$2,000

#### **PAYCHECK PROTECTION PROGRAM**

29. Unlike EIDL loans which are submitted directly to the SBA for processing, PPP loans were set up to be submitted and funded through financial institutions, and then the financial institutions would be reimbursed by the United States Government, through the SBA.

30. A PPP loan, with application number 17971552, was submitted to Cross River Bank, which is certified as a Federal Deposit Insurance Corporation (FDIC), and is located in the state of New Jersey.

31. This loan application is in the business name of SPIN MARKETING INC<sup>5</sup> with EIN: 20-1440985 (*Please note: this EIN is associated with Spin Development and was used incorrectly on this application*). The address of the business is listed as 234 PELHAM ROAD, ROCHESTER, NY 14610, which again, is the primary residence of SPINOSA.

32. The phone number provided on this PPP application is 773-XXX-1627. This phone number is not directly associated with SPINOSA. A Lexis-Nexis query associates this number as being owned by “Bandwidth.com” and being registered to an individual by the name of Joseph Loepke Giannini. Based on this same Lexis-Nexis query, it appears that Giannini resides in Chicago, IL. However, it appears that he has resided in Rochester, NY in the past as

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<sup>3</sup> This is a monetary transaction using proceeds from a specified unlawful activity (SUA), in this case wire fraud, in excess of \$10,000; which is in violation of Title 18 U.S.C. § 1957.

<sup>4</sup> Also a violation of Title 18 U.S.C. § 1957.

<sup>5</sup> The same company that per Bankruptcy filings ceased operations in 2017.

he has/had a NYS driver's license and opened up financial accounts with Eastman Savings & Loan (ESL) where he listed his address as 1697 Creek St, Rochester, NY 14625.

33. A search of the Cook County (IL) Clerk's Office shows that on November 07, 2005 and document number 0533635060, Joseph Giannini and "Tommy Spinosa" together secured a mortgage in the amount of \$315,000 to purchase a home located at 3978 S. Lake Park Ave, Chicago, IL 60653.

34. Another filing with the Cook County Clerk's Office shows that on November 01, 2022 a "Lis Pendens Foreclosure," document number 2230555071, was recorded by the Bank of New York against Joseph Giannini and Tommy Spinosa.

35. A further Lexis-Nexis query for SPINOSA and Tommy Spinosa list several old addresses in common. Based on this information, and their respective ages, it is believed that Tommy Spinosa is the brother of SPINOSA.

36. PPP application number 17971552 states that the average monthly payroll for Spin Marketing is \$72,812. The basic calculation used to determine how much a business is eligible for through the PPP program is monthly average payroll x 2.5. In this case, the amount would be  $\$72,812 \times 2.5 = \$182,030$ .

37. The application requested that the funds from the PPP loan be deposited into Azlo Bank account number 6777334962 (*the same account that the above detailed EIDL loan funds were deposited into*).

38. The application was electronically submitted to Cross River Bank via an interstate wire transmission from an IP Address identified as 73.9.77.48, which is maintained by Comcast Cable Communications. This IP Address is associated with and located within Chicago, IL and Cross River Bank is located in Teaneck, NJ.

39. PPP application number 17971552 was finalized as PPP Loan # 6749777404, with the executed note being electronically signed via DocuSign on May 18, 2020.

40. DocuSign was subpoenaed during the course of this investigation, and they verified that the signer of the loan on May 18, 2020, was using IP Address 73.9.77.48.

41. On May 19, 2020, the amount of \$182,030 was deposited into Azlo Bank account ending in #4962. Prior to the deposit, this bank account had a balance of \$264.84.

42. On the same day the PPP funds were deposited, May 19, 2020, there were several notable large payments/transfers made. These transactions are:

- “Payment to Ann Spinosa Card \*\*\*\*9256” in the amount of \$10,000.
- “Transfer to Tommy Spinosa” in the amount of \$50,000<sup>6</sup>.
- “Transfer to Tommy Spinosa” in the amount of \$20,000<sup>7</sup>.

#### **OTHER EIDL LOANS SUBMITTED IN SCHEME**

43. In addition to the funded EIDL loan outlined above, there were twelve (12) other EIDL applications that were submitted in the names of businesses owned/controlled by SPINOSA. All twelve of these applications were submitted to the SBA from the same IP Address that submitted the funded application, 98.10.44.162. These applications are as follows:

44. **Application Number 3312587976** was submitted on August 03, 2020 in the name of POLITICAL ADVERTISING INC<sup>8</sup>. This application was submitted from IP Address

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<sup>6</sup> Monetary transaction in excess of \$10,000 derived from a SUA, in this case both bank fraud and wire fraud, in violation of Title 18 U.S.C. § 1957.

<sup>7</sup> For purposes of this document, a final violation of Title 18 U.S.C. § 1957.

<sup>8</sup> Per Bankruptcy filings this business was never operational as no timeframe was provided in the “Dates business existed” section of Official Form 107.

98.10.44.162. This application list gross revenue of \$375,000 and COGS of \$320,000; thereby requesting a loan in the amount of \$27,500. This loan list the owner of the business as “Carmella Spinosa”. The business address is listed as 234 PELHAM ROAD, ROCHESTER, NY 14610. While the mother is listed as the owner, the email provided is “Ann@politicaladvertisinginc.com” and the phone number provided is SPINOSA’s phone number of 585-XXX-8456.

45. The funds were requested to be deposited into Azlo Bank account number 6784770522. This is another bank account with Azlo Bank controlled by SPINOSA.

46. Application Number 3312587976 was declined due to suspected ID theft.

47. **Application number 3317321223** was submitted on February 23, 2021, in the name of POLITICAL ADVERTISING INC. This application was submitted from IP Address 98.10.44.162. This application list gross revenue of \$1,220,000 and COGS of \$425,800; thereby requesting a loan in the amount of \$150,000<sup>9</sup>. This loan list the owner of the business as “Carmella Spinosa.” The business address is listed as 234 PELHAM ROAD, ROCHESTER, NY 14610.

48. The funds were requested to be deposited into “Blue Vine” account number 875101734643. This account was established on February 14, 2021, and is a business account in the name of Political Advertising. On the account profile documents for this account, the “Admin” is listed as “Carmella Spinosa”. The ID provided to open this account is the NYS driver’s license of Carmella Spinosa; however, this ID was provided to Blue Vine by email

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<sup>9</sup> Maximum EIDL loan at the time of this submission was \$150,000.

communications from the email address of “ann@spinmarketinginc.com.”<sup>10</sup> The phone number provided to the bank in order to open this account was SPINOSA’s phone number of 585-XXX-8456. Blue Vine was able to provide login information relating to this account, and every single time this account was logged into, which they provided records for 83 separate instances, the log ins came from the aforementioned IP Address of 98.10.44.162.

49. Application number 3317321223 was declined due to being identified as a duplicate application / suspected ID theft.

50. **Application number 3318265084** was submitted on April 07, 2021, in the name of SPIN DEVELOPMENT INC. This application was submitted from IP Address 98.10.44.162. This application list gross revenue of \$920,000 and COGS of \$400,000; thereby requesting a loan in the amount of \$260,000<sup>11</sup>. This loan list the owner of the business as “Carmella Spinosa.” The business address is listed as 234 PELHAM ROAD, ROCHESTER, NY 14610. The phone number provided is SPINOSA’s phone number of 585-XXX-8456.

51. The funds were requested to be deposited into “Blue Vine” account number 875101263130. This account was established on November 12, 2020, and is a business account in the name of Spin Development Inc. The “Admin” is listed as “Carmella Spinosa”. Once again, the ID provided to open this account is the NYS driver’s license of Carmella Spinosa; however, this ID was provided to Blue Vine by email communications from the email address of “ann@spinmarketinginc.com”. The phone number provided to the bank in order to open this account was SPINOSA’s phone number of 585-XXX-8456. Blue Vine was able to provide login

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<sup>10</sup> During the course of this investigation Ann Spinosa has emailed me numerous times from this email account. She also used this email account in documents filed with the bankruptcy court, such as page 47 of Doc 20-6 of Case 2-23-20488-PRW, which was filed on 10/19/2023.

<sup>11</sup> On April 06, 2021 the maximum EIDL loan amount was increased to \$500,000.



information relating to this account, and of the 141 times this account was logged into, 140 of them came from the aforementioned IP Address of 98.10.44.162.

52. This application acknowledges/discloses that this business previously received \$150,000 in an EIDL Loan from 2020. Therefore, the same person(s) responsible for this application must have been responsible and/or known about the funded EIDL loan previously received.

53. Application number 3318265084 was declined as it was deemed to be a duplicate and there was a fraud alert on the credit report of Carmella Spinosa.

54. **Application Number 3318917168** was submitted on April 26, 2021 in the name of Spin Marketing Inc. This application was submitted from IP Address 98.10.44.162. This application list gross revenue of \$1,180,000 and COGS of \$876,000; thereby requested a loan in the amount of \$152,000. This loan listed the owner of the business as SPINOSA and uses the email address of “ann@spinmarketinginc.com”.

55. This application acknowledges/discloses that this business previously received \$182,000 in a PPP Loan from 2020. Therefore, the same person(s) responsible for this application must have been responsible and/or known about the funded EIDL loan previously received.

56. Application Number 3318917168 was declined as the “Credit score is too low”; as SPINOSA’s FICO score at the time of the application was 421; therefore, she did not qualify for funding.

57. Application Number 3318917168 being declined for credit reasons is a key piece of evidence in this investigation. On October 30, 2023, SPINOSA sent a handwritten letter

(LETTER #1) to the SBA which makes the claim of being a victim of Identity Theft alleging that she did not apply for any EIDL or PPP loans. The letter states (in part):

*“I did not apply for any EIDL loans or PPP loans – in fact I did try to apply for Spin Marketing an EIDL and I was denied because of my personal credit”*

58. In LETTER #1, SPINOSA acknowledges that she did in fact apply for (at least) one EIDL loan. She states that she applied in the name of her business Spin Marketing but was declined due to her personal credit. Application Number 3318917168 is the only EIDL application submitted in the name of Spin Marketing that was declined for credit reasons; therefore, eliminating the possibility that SPINOSA was referring to any other loan. This is important as this application was submitted (as all EIDLs were) from the same IP Address (98.10.44.162), and therefore by the same person, as the EIDL loan that funded in the amount of \$150,000 (application number 3302009045).

59. Another important item of significance regarding LETTER #1, is that in SPINOSA’s Bankruptcy filings (as detailed above), she notes that Spin Marketing hasn’t been operational since 2017, and that no tax returns were filed for her or the business after the 2018 tax year. However, in this application (#3318917168) she then makes the false claims that as of April 21, 2021, this business had annual revenue of \$1,180,000 and COGS of \$876,000.

60. Furthermore, this application acknowledges that this business received \$182,000 PPP loan in 2020, all the while claiming that she never applied for a PPP loan and that loan was established without her knowledge.

61. Another letter that was mailed to the SBA and was dated September 02, 2020 (LETTER #2) and stamped received on October 01, 2020, SPINOSA made claims that the PPP

established in the name of one of her businesses was through no wrongdoing of her own.

SPINOSA states (in part):

*"I am the 100% of the company, which is an S-Corp. I did not apply for a PPP Loan with Spin Marketing. Thus, I have determined that fraud likely took place. The consultant I hired to assist me did not act in good faith resulting in an act of fraud against my company and the SBA.*

*I am having a difficult time locating the consultant I hired to help me investigate all funding options whom misguided me and retained \$70,000 of the SBA loan. Nevertheless, as the President of Spin Marketing Inc., it is my responsibility to inform the SBA of the situation and coordinate the reimbursement of funds I should not have received."*

62. In LETTER #2 she is claiming that an unknown consultant she hired to assist her in the process of the loan application, committed fraud against her and the SBA, and retained \$70,000 of the proceeds. As detailed in paragraph 40, when SPINOSA's financial account received the PPP proceeds of \$182,030; that very day she transferred \$70,000 to her brother Tommy Spinosa. Now in LETTER #2 that she mailed to the SBA she is claiming that it was a random consultant that took the \$70,000 and she is "*having a difficult time locating the consultant*".

63. While the consultant (now identified as her brother) received \$70,000 of the \$182,030 funded proceeds; that leaves SPINOSA with \$112,030 of illicitly obtained PPP funds, that by her own admissions in LETTER #2, "*Spin Marketing Inc. is not entitled and is ineligible to receive funds from that specific program*". SPINOSA now states that she wasn't entitled to the money and shouldn't have received it, but the day she received it not only did she transfer \$70,000 to her

brother, but she also transferred a separate \$10,000 to another account controlled by her (as noted in paragraph 40).

64. In fact, by the time LETTER #2 was written in which she states (in part) “*It is my responsibility to inform the SBA of the situation and coordinate the reimbursement of the funds I should not have received,*” she had already spent the remaining \$112,030. On September 02, 2020, the date of the LETTER #2, the account the PPP funds were deposited into had only \$2,516.43 remaining. Not only were all of the PPP funds that were received on May 19, 2020 already spent, but most all of the EIDL funds received on June 18, 2020 were already spent as well.

65. It was only at this point, nearly four months after receiving the funds, and spending all of the PPP funds, that SPINOSA wrote a LETTER #2 to the SBA stating that it was not her that applied for the PPP funds, it was an unknown consultant who defrauded her and then “retained” \$70,000 of the money.

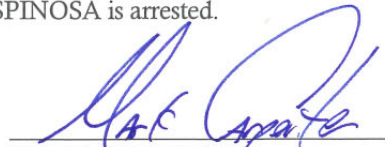
66. There were several more EIDL loans that were submitted in this scheme in business names owned by SPINOSA, and all submitted by the same IP address of 98.10.44.162. For unknown reasons these loans were submitted to the SBA with the businesses claiming \$0.00 in gross revenues and \$0.00 in COGS; which result in a loan request of \$0.00. Since these loans don’t actually make a claim to receive funds from the PPP and/or EIDL programs they will not be detailed in depth. These loans applications are:

- Spin Marketing – Application #3303251832
- Spin Marketing Inc – Application #3303322963
- Spin Development Inc – Application #330338134
- Casino Tips for Dummies Inc – Application #3303359731

- Gambling Tips for Dummies – Application #3303363946
- Political Advertising Inc – Application #3303373806
- Casino Tips for Dummies Inc – Application #3304901008
- Gambling Tips for Dummies – Application #3304905061

### CONCLUSION

67. Based on the forgoing, I respectfully submit that there is probable cause to believe that SPINOSA did knowingly commit the TARGET OFFENSES. It is respectfully requested, based on the above information, that this court issue a Criminal Complaint for SPINOSA. I respectfully request that the Court order that the proposed complaint, this affidavit, and the requested arrest warrant remain sealed until such time as SPINOSA is arrested.



MARK CARPENTER  
Special Agent  
IRS-Criminal Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 25 day of March, 2024.



MARIAN W. PAYSON  
United States Magistrate Judge